

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff/Counter Defendant,

v.

Civil Action No. 8:23-cv-00416

GENERAL DYNAMICS CORPORATION
AND DOW CHEMICAL COMPANY,

Defendants/Counter Claimants.

PLAINTIFF’S UNOPPOSED MOTION TO EXTEND CASE DEADLINES

Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, Plaintiff, the United States of America, moves to extend the deadlines in Paragraphs 9 and 11 of the Amended Case Progression Order entered by this Court on December 12, 2024 (Filing No. 228). In support hereof, Plaintiff states:

1. On March 5, 2024, the Court entered a case progression order, which established deadlines for completing discovery and preparing for trial. On December 12, 2024, the Court amended this order at the Parties request. The primary purpose for amending the case progression order was to provide Plaintiff additional time to produce outstanding documents responsive to Defendants’ requests.

2. Plaintiff’s litigation team has recently undergone, and continues to undergo, significant staffing changes, including a change to the lead attorney handling this matter for the Environmental Enforcement Section.

3. In addition, the final transcript for one of the Rule 30(b)(6) witnesses in this case has been delayed, as Plaintiff understands, due to the hospitalization of the court reporter.

Experts should have the opportunity to consider this testimony before having to disclose their opinions.

4. Finally, roughly 2,000 pages of previously classified documents were produced on April 8, 2025 and another roughly 5,000 pages of previously classified documents were produced on April 10, 2025. Experts should have an opportunity to review these documents before having to disclose their opinions.

5. Plaintiff has conferred with Defendants General Dynamics Corporation (“GD”) and Dow Chemical Company, and they do not oppose this motion.¹

6. This motion is made without prejudice to Plaintiff’s right to seek an additional extension of the deadlines in the case progression order or to Defendants’ rights to oppose such a request.

WHEREFORE, Plaintiff respectfully requests that the Court enter its proposed Second Amended Case Progression Order, modifying the deadlines in Paragraphs 9 and 11 of the Amended Case Progression Order, as follows:

Deadline	Current	Proposed
Initial expert disclosures	April 24, 2025	May 8, 2025
Rebuttal expert disclosures	June 23, 2025	July 11, 2025
Sur-rebuttal expert disclosures	August 4, 2025	August 22, 2025
Expert depositions	September 18, 2025	October 3, 2025
Daubert motions	October 18, 2025	October 30, 2025

¹ GD has requested that this footnote be inserted to provide context to its position. GD has reluctantly agreed that it will not oppose this motion solely as a matter of professional courtesy. As detailed in past hearings before the Magistrate Judge, and in correspondence among the parties, GD generally opposes any extensions to the deadlines in this matter. In particular, GD does not believe there would be good cause for any further extensions and takes issue with Plaintiff attempting to use belated productions of previously classified materials as a justification for any further extensions.

Dispositive motions	November 10, 2025	November 21, 2025
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In accordance with Local Rule NECivR 7.2, Plaintiff will email a proposed Second Amended Case Progression Order to the chambers of U.S. Magistrate Judge Michael D. Nelson at nelson@ned.uscourts.gov.

Respectfully submitted,

Counsel for Plaintiff United States of America

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing to be served upon the following counsel of record via electronic mail on April 14, 2025:

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